

Conditionally

FILED

AUG 25 2016

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

CLERK, U.S. DISTRICT COURT
NORFOLK, VAAction Number 2:16cv508

(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

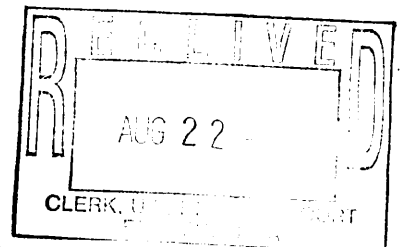
1. (a) Darryl Lollis (Name) (b) 0020699 (Inmate number)
- (c) H.M.H.J P.O Box 7609 (Address)
- Portsmouth, VA 23707

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) E. James (H.R.R.J) (Name) (b) Disciplinary Hearing (Title/Job Description) officer
- (c) P.O Box 7609 (Address)
- Portsmouth, VA 23707



2. (a) S. Little John (M.R.S.) (Name) (b) Hearing Officer (Title/Job Description)
 (c) P.O. Box 7609 (Address)
Portsmouth, Va 23707
3. (a) C. Jones (Name) (b) Hearing Officer (Title/Job Description)
 (c) P.O. Box 7609 (Address)
Portsmouth, Va 23707

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [☒] No [☐]
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) Darryl Lullis
 Defendant(s) S. Aveyard (ces), et al.,

2. Court (if federal court, name the district; if state court, name the county):

United States District Court Eastern District of Virginia

3. Date lawsuit filed: May 20, 2016

4. Docket number: 2:16 CV 236

5. Name of Judge to whom case was assigned: Mark S. Davis

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?):

It is still pending.

III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place: _____

Hampton Roads Regional Jail

B. Does the institution listed in "A" have a grievance procedure? Yes [☒] No [☐]

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes [☐] No [☒]

2. If so, where and when: _____

3. What was the result? _____

4. Did you appeal? Yes [☒] No [☐]

5. Result of appeal: Nothing was done, their decision stayed the same

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes [☒] No [☐]

If your answer is Yes, what steps did you take? I told officers, put in an appeal, and put in internal complaint.

E. If your answer is No, explain why you did not submit your complaint to the prison authorities:

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

On May 27, 2016 at 2132, I inmate Darryl Lullis was charged with offense code 128 (engaging in extortion, blackmail or demanding or receiving anything of value in return for protection to avoid harm) I was served the charge on May 31 at 1035 by C/O E. James. I was asked did I want to request any witnesses, and my response was, "yes, I wanted the victim." (Mr. Jason Armstrong) C/O E. James told me I could not request him, so I refused to sign the disciplinary report, because I have the constitutional right to face my accuser. (which Mr. Armstrong did not accuse me of such) My hearing date was set for June 7, 2016, on June 1 W/O S. Littlejohn and E. Jones came to do my hearing. I informed them about my rights being violated and was still found guilty of the charge. I appealed it and put in an informal complaint, no response was heard back and I was still punished and left to do the time for an offense I did not commit.

V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. DZ (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

☒ Award money damages in the amount of \$ 50,000
☐ Grant injunctive relief by _____
☐ Other _____

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

Hampton Roads Regional Jail, P.O. Box 71609,
Portsmouth, VA 23707 / Nottoway Correctional Center,
P.O. Box 488, Buchananville, VA 23922

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes ☒ No ☐. You may consent at any time; however, an early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 10th day of August, 2016.

Plaintiff Darryl Lollis

HAMPTON ROADS REGIONAL JAIL DISCIPLINARY REPORT

INMATE'S NAME LOLLIS, DORIAN JCA# 2001 UNIT/POD/CELL 46 410OFFENSE CODE 18 OFFENSE TITLE RECEIVING MAIL, ORDEMANDING A RECEIVING ANYTHING OF VALUE IN RETURN FOR PROTECTION TO HIMSELF OR OTHERDATE OF OFFENSE 8/27/16 TIME OF OFFENSE 2:00 LOCATION HR 3/6

Factual Basis for Charges

INMATE LOLLIS WAS OBSERVED IN THE HR 3/6 DAYROOM
DUR FORCEFULLY TAKING CANTAIN ITEMS FROM INMATE
ARMSTRONG, PRISON # 39693

REPORTING OFFICER SIGNATURE SGT. PHILLIPSPRINTED NAME SGT. PHILLIPSPRE HEARING DETENTION? YES NOWATCH COMMANDER/UNIT MANAGER APPROVAL SGT. M. J. [Signature]NAME PRINTED SGT. M. J. [Signature]

ADVISEMENT OF RIGHTS (IF REFERRED TO HEARING OFFICER).

BY SIGNING BELOW, YOU INDICATE YOUR PREFERENCE REGARDING THE RIGHTS INDICATED. SILENCE CONSTITUTES A
WAIVER OF THE FIRST TWO RIGHTS.

1. REQUEST INMATE OR STAFF ASSISTANCE? YES NO ✓ NAME 2. REQUEST WITNESSES? YES ✓ NO IF YES, NAME AND NUMBER OF INMATES 3. I DO () DO NOT (✓) WISH TO WAIVE MY RIGHT TO 24-HOUR PREPARATION TIME PRIOR TO HEARING.4. I DO (✓) DO NOT () WISH TO APPEAR AT THE DISCIPLINARY HEARING. (REFUSAL TO APPEAR CONSTITUTES AN
ADMISSION OF GUILT AND WAIVER OF OWN WITNESS)

5. THE REPORTING OFFICER WILL BE REPRESENTED BY HIS REPORT AT THE HEARING.

6. I MAY BE FOUND GUILTY OF A LESSER OFFENSE.

DATE SET FOR HEARING: 6.7.16 REVISED HEARING DATE:

I HAVE BEEN INFORMED OF THE CHARGES AGAINST ME, AND ADVISED OF MY RIGHTS AT THE DISCIPLINARY HEARING.

INMATE PROVIDED A COPY OF REPORT: DATE: 5.31.16 TIME: 1035SERVED BY: [Signature] INMATE SIGNATURE X Inmate [Signature] Sign

(TWO SIGNATURES REQUIRED IF INMATE REFUSES TO SIGN)

WITNESS: [Signature] WITNESS:

REVISED DATE: 07/23/10

HRRJ-(10)

WHITE COPY - ORIGINAL

YELLOW COPY - FILE

PINK COPY - INMATE

HAMPTON ROADS REGIONAL JAIL **DISCIPLINARY HEARING REPORT**

Inmate Name: Lelling, Larry JCA # 20597

Charge: 1st Date: 8-1-16 Time of hearing: 10:00

Tape Number 010 Plea: () Guilty ☒ Not Guilty () Refused To State Plea

Reason for Absence of Witness:

None called

Decision by Hearing Officer: ☒ Guilty () Not Guilty () Dismissed
 Decisión por la Oficial de Audiencia: ☒ Culpable No Culpable Despedido

Reason for Decision:

Razón por la Decisión:

Based on the Sat. report that the
inmate was in a violent altercation
with another inmate (Darius Brown) while he was
sitting at the day room table.
8-20-16 thru 8-23-16

Penalty and Comments:

Penalidad y Comentarios:

10 days disciplinary restriction
loss of all privileges in prison
for 10 days. Starting 8-23-16
60 days center restriction

Do you wish to appeal ☒ Yes
 ¿Desea apelar? Si

() No Inmate Initials
 No Iniciales de Preso

This is to certify that I have received a copy of this report, and have been advised of my rights to appeal the decision to the Superintendent of this Facility.

Esto es para certificar que he recibido una copia de este informe, y han sido advertidos de mis derechos apelar la decisión ante el Superintendente de esta Facilidad.

Inmate Signature: [Signature]

Firma del Preso:

Inmate Hearing Officer Signature: [Signature]

Hearing Officer Printed Name: REC 3 P. 11/1/16

White Copy - Hearing File

Yellow Copy - Inmate File

Pink Copy - Inmate

Revised: 10/29/2014, English/Spanish

Date Received by Routing Office: 1 / 1

Hampton Roads Regional Jail

Inmate Request / Informal Complaint Form

Name: Danielle CollinsI.D. Number: 2-0611Unit#, Pod and Cell: 3-F-403Date: 5-31-16

6-1-16

Time: 12:40 PMType: Request / Informal ComplaintRegarding: Medical / Security / Maintenance / Food Service / Treatment

**** DIRECTIONS FOR REQUESTS / INFORMAL COMPLAINTS:** All forms will be sent to the Command Center for distribution and Tracking. If the form can be answered do so and make a copy to be sent to the Command Center for filing. Ensure the form is completely filled out and can be understood. Use of vulgar language, making false statements, or submitting numerous forms on the same matter are subject to disciplinary actions. This form should be used as your first step if you have a grievance. (For further comments attach additional forms, if necessary.)

Briefly and clearly explain your request / informal complaint:

On the above date, I was served a charge by C/O E. James at 10:35 am. She asked me what I want to request and I addressed and I answered yes. When I was asked what I requested, I said "I can't do it". As a part of my constitutional rights, I have the right to face my accusers and since she denied me as such, my rights have been violated. I had my hearing on 6-1-16 but Officer Littlejohn and Jones. I have asked them also and was still found guilty of the charge and now I'm being punished for a crime I have not committed. *[Signature]*

Received By: *[Signature]*Date: 6/1/2016Time: 12:35 PM

Action Taken / Response:

Answered by: _____

Date: _____

Time: _____

Cc: File

Revised: 02/03/15

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Date Returned to Inmate: _____